

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

THOMAS OSBECK ,

Plaintiff,

-vs-

Case No. 07-14004  
Hon. Thomas L Ludington

GOLFSIDE AUTO SALES, INC.,

Defendant.

**MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST  
GOLFSIDE AUTO SALES, INC.**

*The Plaintiff moves for entry of a default judgment against Golfside Auto Sales, Inc. as follows:*

1. The Amended Complaint was filed on October 29, 2007, and the amended complaint was served upon the Defendant, through its resident agent.
2. The Defendant's resident agent received service of the Summons and Complaint on Tuesday, October 29, 2007.
3. Golfside Auto Sales, Inc., a licensed automobile dealer, failed to answer, appear or otherwise defend.
4. On January 1, 2008, Plaintiff applied for entry of Default against Golfside Auto Sales, Inc. and the next day, the Clerk of the Court entered its default under Rule 55(a).
5. Plaintiff served the Clerk's entry of Default upon Golfside Auto Sales, Inc.'s resident agent.
6. Plaintiff has set forth claims for damages under a variety of statutory and common law theories, and he requests the Court enter Judgment against Golfside Auto Sales, Inc. for the

following damages:

- a. *Misrepresentation/Consumer Fraud/Cheating.* In this case, the pleadings state a meritorious claim for Misrepresentation/Consumer Fraud. Plaintiff asks for actual and exemplary damages for fraud. Generally, exemplary damages are recoverable in damage actions which are based upon tortious acts involving malice, fraud, insult, or wanton and reckless disregard of the plaintiff's rights. *Rinaldi v. Rinaldi*, 122 Mich.App. 391 396 (1983) ..... \$10,000.00.

7. The total of these requested damages is \$11,000.00.

*ACCORDINGLY, Plaintiff requests that the Court enter Default Judgment against Golfside Auto Sales, Inc. for Fraud, Cheating and Misrepresentation in the amount of \$11,000.00.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES  
CONSUMER LAW GROUP, PLC

By: s/ Adam G. Taub  
Adam G. Taub (P48703)  
Attorney for Thomas Osbeck  
18930 West 10 Mile Rd. Suite 2500  
Southfield, MI 48075  
Phone: (248) 746-3790  
Email: adamgtaub@clgplc.net

Dated: February 9, 2008

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

THOMAS OSBECK ,

Plaintiff,

-vs-

Case No. 07-14004  
Hon. Thomas L Ludington

GOLFSIDE AUTO SALES, INC.,

Defendant.

**BRIEF IN SUPPORT OF  
MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST  
GOLFSIDE AUTO SALES, INC.**

The pleadings are sufficient to allow this Court to enter an order for Fraud, Cheating and Misrepresentation in the amount of \$11,000.00. The Defendant, Golfside Auto Sales, Inc., was served and its resident agent has acknowledged service and this dealership has decided to ignore the lawsuit.

Plaintiff relies on the facts set forth in the Motion. In addition, *Rinaldi v. Rinaldi*, 122 Mich.App. 391, 396 (1983) provides authority for the notion that Michigan law provides for exemplary damages for Fraud.

ACCORDINGLY, Plaintiff requests that the Court enter Default Judgment against Golfside Auto Sales, Inc., *for Fraud, Cheating and Misrepresentation in the amount of \$11,000.00.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES  
CONSUMER LAW GROUP, PLC

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Attorney for Thomas Osbeck  
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Dated: February 9, 2008

**Certificate of Service**

I hereby certify that on February 9, 2008, I electronically filed the foregoing paper with the Clerk of the Court and served this document on the following parties:

<u>Party</u>	<u>Manner Served</u>
Golfside Auto Sales, Inc. c/o Michigan Department of State, Compliance Division, 3 <sup>rd</sup> Floor Treasury Building 430 W. Allegan Street Lansing, MI 48918	Regular Mail

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES  
CONSUMER LAW GROUP, PLC

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